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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,804	06/07/2001	James Terry Dollens		5344

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,804

Applicant(s)

DOLLENS, JAMES TERRY

Examiner

Christian La Forgia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 March 2006 has been entered.
2. Claims 29-57 have been presented for examination.

Response to Arguments

3. Applicant's arguments, see pages 9 and 10, filed 13 March 2006, with respect to claims 29-35 and 52-57 have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claims 29-35 and 52-57 has been withdrawn.
4. Applicant's arguments with respect to claims 29-57 have been considered but are moot in view of the new grounds of rejection.
5. See further rejections that follow.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 29, 31, 32, 52, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,612,044 to Raab et al., hereinafter Raab in view of U.S. Patent Application Publication No. 2001/0037450 to Metlitski et al., hereinafter Metlitski, and in further view of U.S. Patent No. 6,766,350 to Moreau, hereinafter Moreau.

8. As per claims 29 and 52, Raab discloses a method for authorizing execution of an object on a computer system comprising:

(a) selecting an executable object on the computer system (column 11, lines 52-65, i.e. executable programs);

(b) inserting a first identifier into a steganographic zone of the object, wherein the first identifier and the stenographic zone of the object are formed by the computer system and the first identifier prevents execution of the executable object (column 11, line 52 to column 12, line 7, i.e. insert an executable program site identifier which prevents the program from being executed at multiple sites); and

(c) comparing the first identifier in the steganographic zone to a second identifier each time the object is selected for execution (column 11, line 52 to column 12, line 7, i.e. compare the identifiers).

9. Raab does not teach wherein an executable version of the object is created if the first identifier matches the second identifier and extracting the identifier from the executable object.

10. Metlitski discloses wherein an executable version of the object is created to be executed (paragraph [0204]).

11. Both Raab and Metlitski are related in the field of process protection.

12. Paragraphs [0203]-[0208] disclose techniques for how to create a copy of an object for execution.

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to create an executable version of the object, since Metlitski states at paragraph [0002] that such a modification provide security and authentication of an executable program in an open architecture computer system.

14. Moreau discloses extracting the identifier from the executable object (Figure 15 [block E72], column 7, lines 4-12, column 8, lines 35-42, column 27, lines 25-26).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extract the identifier from the executable object, since Moreau states at column 3, lines 62-67 that using identifiers provides a means to share data objects over the network and transfer said objects from one site to another according to requirements, thereby ensuring that the object is not executed by a client that does not have permission or access to the object.

16. Regarding claims 31, 38, and 46, Raab discloses wherein the second identifier is stored on the system (column 11, line 52 to column 12, line 7, i.e. second identifier stored on coordinate measurement system).

17. Regarding claims 32, 39, 47, and 54, Raab discloses wherein the second identifier is stored on an external data storage structure (column 11, line 52 to column 12, line 7, i.e. second identifier stored on coordinate measurement system).

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18. Claims 30, 33-35, 52 -54, 56, and 57 rejected under 35 U.S.C. 103(a) as being unpatentable over Raab in view of Metlitski as applied above, and further in view of Moreau in view of U.S. Patent No. 6,788,800 to Carr et al., hereinafter Carr.

19. Regarding claims 30, 37, 45, and 53, Raab, Metlitski, and Moreau do not disclose wherein the identifiers comprise a sequence of fields for creating a unique copy of the object and an ownership token between the object and the system.

20. Carr teaches wherein the identifiers comprise a sequence of fields for creating a unique copy of the object and an ownership token between the object and the system (column 2, lines 45-65, column 6, lines 28-46).

21. It would have been obvious to ordinary skill in the art at the time the invention was made to have the identifiers comprise a sequence of fields for creating a unique copy of the object and an ownership token between the object and the system, since Carr states at column 1, lines 11-15 that such a modification would aid in authenticating data using the embedded security data.

22. Regarding claims 33, 41, and 49, Raab, Metlitski, and Moreau do not disclose wherein the first identifier is extracted from the steganographic zone of the object.

23. Carr teaches wherein the first identifier is extracted from the steganographic zone of the object (column 4, lines 47-59).

24. It would have been obvious to ordinary skill in the art at the time the invention was made to have wherein the first identifier is extracted from the steganographic zone of the object, since Carr states at column 1, lines 11-15 that such a modification would aid in authenticating data using the embedded security data.

25. With regards to claims 34, 42, 50, and 56, Raab, Metlitski, and Moreau do not disclose wherein the external data storage device comprises data for extracting the first identifier.

26. Carr teaches wherein the external data storage device comprises data for extracting the first identifier (column 4, lines 37-59).

27. It would have been obvious to ordinary skill in the art at the time the invention was made to extract the first identifier, since Carr states at column 1, lines 11-15 that such a modification would aid in authenticating data using the embedded security data.

28. Regarding claims 35, 43, 51, and 57, Raab, Metlitski, and Moreau do not disclose wherein the system identifier is encrypted.

29. Carr discloses wherein the system identifier is encrypted (column 2, lines 56-65).

It would have been obvious to ordinary skill in the art at the time the invention was made to encrypt the identifier, since Carr states at column 1, lines 11-15 that such a modification would aid in authenticating data using the embedded security data.

30. Claims 36-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of U.S. Patent No. 5,919,257 to Trostle, hereinafter Trostle, in view of Moreau.

31. As per claims 36 and 44, Carr discloses a method for identifying unauthorized objects on a computer system comprising:

(a) authorizing objects of the computer system by embedding a system identifier into the authorized objects (column 2, line 45 to column 4, line 28);

(b) determining the presence of the system identifier in objects of the computer, wherein objects that are not embedded with the system identifier are unauthorized (column 4, line 30 to column 5, line 46).

32. Carr does not teach isolating unauthorized objects from the computer system and extracting an identifier from an executable object.

33. Trostle discloses isolating unauthorized objects from the computer system (column 7, lines 28-42).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to isolate the unauthorized objects from the computer system, since Trostle states at column 7, lines 28-42 that such a modification would isolate objects that have unauthorized changes, which may be potentially malicious code.

35. Moreau discloses extracting the identifier from the executable object (Figure 15 [block E72], column 7, lines 4-12, column 8, lines 35-42, column 27, lines 25-26).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extract the identifier from the executable object, since Moreau states at column 3, lines 62-67 that using identifiers provides a means to share data objects over the network and transfer said objects from one site to another according to requirements, thereby ensuring that the object is not executed by a client that does not have permission or access to the object.

37. Regarding claims 40, 48, and 55, Carr discloses wherein the system identifier is embedded in a steganographic zone of the object (column 1, lines 38-49, i.e. "steganographically embeds security data into the data").

Conclusion

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792.

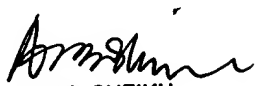
The examiner can normally be reached on Monday thru Thursday 7-5.

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
Patent Examiner
Art Unit 2131

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